

REMARKS

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted February 3, 2004.

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statement filed February 3, 2004.

Status of the Application

Claims 1-38 are all the claims pending in the Application. Claims 1-38 stand rejected.

Claims 1, 3, 5, 6, 21-31, 33 and 38 are amended herein to correct typographical errors. These are merely clarifying amendments, and are not believed to affect the scope of claims the pending claims in any way, and no estoppel is intended.

Title Objection

The Examiner has objected to the Title for its brevity. The title is amended herein to provide more description. Thus, withdrawal of this objection is respectfully requested.

Indefiniteness Rejection

The Examiner has rejected claims 1-18 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The specific informalities noted by the Examiner in claims 1 and 3 have been corrected by clarifying, non-limiting amendment herein. Thus, withdrawal of the rejection is respectfully requested.

Art Rejections

The Examiner has rejected: (1) claims 1-6, 19-20, 25-27, and 32-38 under 35 U.S.C. § 102(b) as being anticipated by what the Examiner has identified as “Applicants’ admitted prior

art (*AAPA*)"; and (2) claims 7-18, 21-24, and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over *AAPA*. This rejection is respectfully traversed.

Independent Claims 1,19, 20, and 32

The Examiner takes the position that *AAPA* discloses all of the features of independent claims 1, 19, 20 and 32. Applicants respectfully disagree, and submit that *AAPA* fails to teach or suggest:

- (1) the "controller controlling the driver section to adjust a moving speed of the fixing member," as recited in claim 1;
- (2) the "controller means for controlling the driver means to adjust a moving speed of the fixing means," as recited in claim 19;
- (3) "controlling a moving speed of the fixing member," as recited in claim 32; and
- (4) the "motor directly operatively connected to the stopper mechanism to move the stopper mechanism and the fixing member," as recited in claim 20.

Regarding (1) - (3), the Examiner alleges that tension spring 117 of *AAPA* is somehow equivalent to the "controller" of claims 1 and 19, and somehow provides the "controlling" method recited in claim 32. Applicants respectfully disagree, and submit that *AAPA* only discloses a tension spring 117 that pulls the presser block 111 and support table 113 upward at all times. Due to this specific arrangement, the tension spring 117 provides a constant spring force on presser block 111 and support table 113, which results in a constant effect on the speed of the support table 113 (see page 1, line 13 - page 2, line 13 and FIGS. 1 and 2). Accordingly, tension spring 117 cannot reasonably be read as being capable of controlling or adjusting a moving speed of a fixing member, as recited in independent claims 1, 19 and 32.

In contrast, Applicant directs the Examiner to an exemplary embodiment of such an arrangement (provided for the Examiner's convenience and not to be read as limiting any of the claims), as shown in Figs. 3 and 4 of the instant Application (see also pg. 6 line 20 - pg. 9 line 21, and pg. 12 lines 9-14), where the controller 37 controls a rotating speed of the motor 29 to change a moving speed of the stopper mechanism 23 based on the thickness of the optical fiber. For example, when the optical fiber is thick, the clamp mechanism 17 can be lowered at a higher speed than when the optical fiber 13 is thin.

Regarding (4), while the Examiner has alleged that lid 105 of *AAPA* is somehow equivalent to the recited "stopper section," he has failed to cite any particular portion of *AAPA* that teaches or suggests any motor that is "operatively connected" to lid 105 to "move" lid 105. Rather, it is clear that lid 105 is incapable of any movement via a motor (such as motor 109 of *AAPA*).

In contrast, Applicant directs the Examiner to an exemplary embodiment of such an arrangement (provided for the Examiner's convenience and not to be read as limiting any of the claims), as shown in Fig. 3 of the instant Application, where motor 29 is directly operatively connected to the stopper mechanism 23 to move the stopper mechanism 23 supporting the clamp mechanism 17 upward or downward.

Further, Applicants respectfully submit that the *AAPA* simply does not satisfy any of the objects of the invention described in the instant Application, e.g., to provide an optical fiber fixing device and a related method that are able to easily move a fixing member in a desired direction and control a moving speed of the fixing member according to a fixed status of the optical fiber (pg. 3, lines 21-24).

Thus, Applicants respectfully submit that independent claims 1,19, 20, and 32 are patentable over the applied reference. Further, Applicants respectfully submit that rejected dependent claims 2-6, 25-27 and 33-38 are allowable, *at least* by virtue of their dependency.

Dependent Claims 2-18, 21-31 and 33-38

The Examiner has alleged that the features of dependent claims 2-6, 25-27 and 33-38 are all disclosed in *AAPA*, and that, while *AAPA* fails to disclose all of the features of dependent claims 7-18, 21-28 and 28-31, the features missing from *AAPA* “are common knowledge and widely used in the art of fixing optical fibers and electrical wires” (*O.A.*, pg. 4). Applicants respectfully disagree.

First, regarding the Examiner’s rejection of claims 7-18, 21-28 and 28-31, Applicants respectfully submit that the Examiner’s bare allegation that the recited features “are common knowledge” is insufficient to support an obviousness rejection. Rather, to support this rejection, the Examiner must either: (1) provide a reference that shows such features; or (2) take official notice that such features exist. Further, the Examiner must also explain why one of ordinary skill would have been motivated to modify *AAPA* to include these features. Applicants respectfully submit that, since the Examiner has failed to comply with any of these requirements, the rejection of these claims is invalid on its face.

Further, regarding claim 2, Applicants respectfully submit that *AAPA* fails to teach or suggest that “the fixing member vertically moves relative to the positioning groove in conjunction with movement of the stopper section.” Specifically, as noted above with respect to independent claim 20, there is no teaching or suggestion that lid 105 of *AAPA* moves in any way, let alone in conjunction with the fixing member.

Regarding claim 3, Applicants respectfully submit that *AAPA* fails to teach or suggest that “the controller adjusts the moving speed according to a thickness of the optical fiber.” Specifically, there is no teaching or suggestion that tension spring 117 (alleged by the Examiner to correspond to the “controller”) adjusts any moving speed of the driver section in accordance with a optical fiber thickness. Rather, as mentioned above, tension spring 117 is simply a spring that provides a constant resistive force to support table 113.

Regarding claim 10, Applicants respectfully submit that *AAPA* fails to teach or suggest that a “driver section comprises: a motor generating a drive power in response to a command from the controller.” Specifically, there is no teaching or suggestion that the motor 109 of *AAPA* would provide drive power in response to a command from tension spring 117, as spring 117 is incapable of providing such a command.

Regarding claim 11, Applicants respectfully submit that *AAPA* fails to teach or suggest any “sensor connected to the controller and determining whether the fixing member is retained by the stopper section or not.” Specifically, there is no teaching or suggestion of any sensor in *AAPA*. Further, there would have been no motivation to add such a sensor to determine whether support table 113 and link mechanism 115 (alleged to correspond to the fixing member) is retained by lid 105, as lid 105 always retains these features.

Regarding claim 14, Applicants respectfully submit that *AAPA* fails to teach or suggest that “the controller moves the fixing member toward the optical fiber at a higher speed than that attained in a preceding operation via the stopper section subsequent to the stopper section being separated from the optical fiber.” Specifically, there is no teaching or suggestion that the spring

117 (alleged by the Examiner to correspond to the recited “controller”) is capable of varying the speed of support table 113 in any way.

Regarding claim 21, Applicants respectfully submit that *AAPA* fails to teach or suggest “a controller electrically connected to the motor to vary the speed of the motor.” There is no teaching or suggestion that tension spring 117 (alleged by the Examiner to correspond to the “controller”) of *AAPA* provides any electrical connection to the motor 109.

Regarding claim 33, Applicants respectfully submit that *AAPA* fails to teach or suggest “determining a thickness of the optical fiber, wherein, in the step of controlling a moving speed of the fixing member, the moving speed is determined based upon the thickness of the optical fiber.” There is no teaching or suggestion of any step of determining a thickness of the optical fiber 121 in *AAPA*, nor any use of such a thickness to control a moving speed of support table 113.

Regarding claim 34, Applicants respectfully submit that *AAPA* fails to teach or suggest “determining if the fixing member is retained by the stopper section,” for at least the reasons discussed above with respect to claim 11.

Regarding claim 37, Applicants respectfully submit that *AAPA* fails to teach or suggest that “the fixing member is moved toward the optical fiber at a higher speed than that of the preceding movement of the fixing member towards the optical fiber,” for at least the reasons discussed above with respect to claim 14.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No.: 10/769,771

Attorney Docket # Q78679

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-38 are allowable.

Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-38.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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